

**FILED**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION**

JUN 12 2007



CLERK

IN RE:

TRI-STATE ETHANOL COMPANY,  
LLC,

Debtor.

TRI-STATE FINANCIAL, LLC,

Appellant,

vs.

JOHN S. LOVALD, Trustee, and  
MURPHY BROTHERS,

Appellees.

Case No. BK03-10194  
Chapter 7

Civ. No. 07-1003

Appeal No. \_\_\_\_\_

**NOTICE OF APPEAL TO  
UNITED STATES COURT OF APPEALS**

**NOTICE IS HEREBY GIVEN** that Tri-State Financial, LLC (sometimes "TSF"), a creditor, holder of equity security, and party-in-interest appeals from all part(s) of the District Court's May 17, 2007, Order and Opinion<sup>1</sup> affirming the Bankruptcy Court's January 22, 2007, Order approving a

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<sup>1</sup> The District Court's May 17, 2007, Order and Opinion decides three separate appeals from Bankruptcy Court.

settlement between the Chapter 7 Trustee John S. Lovald and Murphy Brothers after having entered earlier interlocutory orders denying TSF's Motion that the Bankruptcy Court recuse itself in all proceedings in which TSF was a party and denying TSF discovery and a hearing on recusal issues.

**NOTICE IS FURTHER HEREBY GIVEN** that this appeal by Tri-State Financial, LLC, is also from any interlocutory orders of the District Court underpinning its May 17, 2007, Order and Opinion, and is also from any interlocutory orders of the Bankruptcy Court underpinning its January 22, 2007, Order.<sup>2</sup>

The parties to the Order appealed from and the names and addresses of their respective attorneys are as follows:

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of Trust and Mike D. Murphy  
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<sup>2</sup> Interlocutory underpinning Orders of the Bankruptcy Court include interlocutory orders Denying Tri-State Financial, LLC's Motion for Recusal, Transferring Case for Purpose of Ruling on Motion for Leave to Take Deposition, Order Denying Motion to Take Deposition, Order Denying Motion to Reconsider, Set Aside, Alter and/or Amend Orders; Order Striking Motion to Reconsider, Alter and/or Amend Orders, and Order to Set Deadlines.

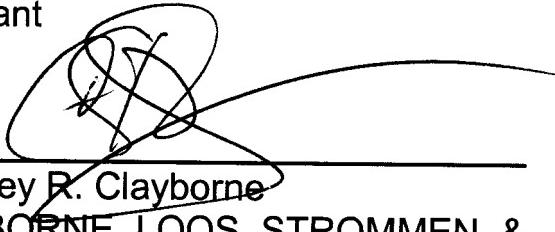
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Chapter 7 Trustee  
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Dated this 12 day of June, 2007.

TRI-STATE FINANCIAL, LLC,  
Appellant

By: \_\_\_\_\_  
  
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